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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ARIEL ABITTAN.

Plaintiff.

V.

LILY CHAO, et al.

Defendants

Case No. 20-CV-09340-NC

Case No. 21-CV-09393-NC

DEFENDANTS' FIFTH AMENDED INITIAL DISCLOSURES

Judge: Hon. Nathanael Cousins

YUTING CHEN,

Plaintiff.

V.

ARIEL ABITTAN, et al.

Defendants

1 Pursuant to Fed. R. Civ. P. 26(a), Civil L.R. 16-9, and the April 12, 2023 hearing before
 2 and order issued by the Honorable Judge Nathanael Cousins, Defendants by and through
 3 counsel, makes the following Initial Disclosures:

4 **PRELIMINARY STATEMENT**

5 These Initial Disclosures are based on information reasonably available to Defendants at
 6 this time and on Defendants' current understanding of the claims in this case. Defendants reserve
 7 the right to make supplemental and subsequent disclosures as information becomes available in
 8 the course of her investigation and discovery. By providing these disclosures, Defendants do not
 9 represent that they are identifying every document, tangible thing, or witness possibly relevant to
 10 this action. Defendants do not waive and expressly reserves any and all objections based upon
 11 relevance, materiality, competence, privilege, work product doctrine, immunity from disclosure,
 12 trade secret, undue burden, over-breadth and/or other grounds. Furthermore, these disclosures are
 13 not an admission by Defendants regarding any matter. All of the disclosures set forth below are
 14 made subject to and without limiting the above reservations.

15 **INITIAL DISCLOSURES**

16 **(i) The name and, if known, the address and telephone number of each individual
 17 likely to have discoverable information—along with the subjects of that information—that
 18 the disclosing party may use to support its claims or defenses, unless the use would be
 19 solely for impeachment:**

20 Defendants identify the following individuals:

Name	Address and Telephone Number	Subjects of Information
Paul Sherer	Address: 360 Leland Ave, Palo Alto, CA 94306 Phone Number: 650 223 4651	Plaintiff Abittan's involvement in Eian Labs Inc; Paul Sherer's direct interactions with Abittan; Paul has knowledge regarding Abittan's non-involvement at Findora and Temujin, Paul has knowledge regarding how often he saw Abittan at Eian Labs; Paul has knowledge of Abittan working at Eian Labs; Paul has knowledge regarding Abittan's attempts to discourage Findora employees and contractors to work at Findora.

1	Ravi Chiruvolu	Address: 12011 Greenhills Ct, Los Altos Hills, CA 94022 Phone Number: 650-465-6711	Plaintiff Abittan's non-involvement in the Findora Project and Temujin; Ravi's direct interactions with Abittan; Ravi has knowledge regarding Abittan's involvement in Eian Labs; Ravi has knowledge regarding how often he saw Abittan at Eian Labs; Ravi has knowledge of Abittan working at Eian Labs;
2	Daniel Mitchell	Address: Flat 1, 30 Sheen Gate Gardens, SW14 7NY, London, UK Phone Number: unknown	Daniel has knowledge regarding Abittan's efforts to poach Temujin employees.
3	Nathan Yospe	Address: 2471 Elena Ct Antioch, CA 94531 Phone Number: 310-437-3875	Nathan has knowledge regarding Abittan's efforts to poach Temujin employees.
4	Eli Reinhardt	Address: 320 Bridgecreek Way Hayward, CA 94544 Phone Number: 510-935-9377	Eli has knowledge regarding Abittan's efforts to poach Temujin employees.
5	Frank Fu	Address: 3247 Emerson St, Palo Alto, 94306 Phone Number: 408-806-0998	Frank has knowledge regarding Abittan's involvement in claiming ownership at Temujin and conspiring to poach Temujin employees.
6	Jill Gunter	Address: 1355 Market St, San Francisco, CA 94103 Phone Number: 415-598-0346; 617-538-9675	Jill has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
7	Alfred Lin	Address: 2800 Sand Hill Rd #101, Menlo Park, CA 94025	Alfred has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System

1	Phone Number: 650-854-3927		
2	3 Benjamin Fisch	4 Address: 3863 Alameda De Las Pulgas Menlo Park, CA 94025 5 Phone Number: 609-731-1243	6 Benjamin has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
7	8 Charles Lu	9 Address: 12210 SE 36th St., Bellevue, WA 98006 10 Phone Number: 425-753-8886	11 Charles has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
12	13 Benedict Bünz	14 Address: 1355 Market St, San Francisco, CA 94103 15 Phone Number: 650-861-7770	16 Benedict has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees; Abittan's interest in Espresso System
17	18 Nathan McCarty	19 Address: 660 Hugging Bear Dr Lexington, KY 40509 20 Phone Number: 859-396-2729	21 Charles has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
22	23 Fernando Krell	24 Address: Jose Zapiola #7693-C, Santiago, 7860417, Chile 25 Phone Number: unknown	26 Fernando Krell has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
27	28 Philippe Camacho Cortina	Philippe has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;	

1	Binyi Chen	Address: 959 Stewart Dr, Apt 1334, Sunnyvale, CA 94085 Phone Number: 805-886- 5605	Binyi has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
2	Luoyuan “Alex” Xiong	Address: CommonwealthDr 50, Unit 07-510, Singapore Phone Number: +65- 9650-7565	Alex has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
3	Keyao Shen	Address: 1426 Vallejo Dr, San Jose CA 95130 Phone Number: 510-316- 8581	Keyao has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
4	Noah Golub	Address: 272B Lexington St, San Francisco, CA 94110 Phone Number: 201-835- 6895	Noah has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
5	Brian Rogoff	Address: 519 Brannan Place, Santa Clara, CA 95050 Phone Number: 408-250- 8899	Brian has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
6	Joe Doyle	Address: 228 Morewood Ave, Pittsburgh, PA 15213 Phone Number: 609-254- 5520	Joe has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;

1 2 3 4 5	Mat Richmond Address: 308 Cirrus Dr NW, Albuquerque, NM 87120 Phone Number: 505-750-1628	Mat has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
6 7 8 9	Helena Flack Address: 22 West Hill, Wembley, Middlesex, UK Phone Number: +49-0-1573-518-4980	Helena has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;
10 11 12 13 14	Cameron Dennis Address: 1616 Franceschi Rd, Santa Barbara, CA 93103 Phone Number: 786-797-6847	Cameron has knowledge regarding Abittan spreading rumors and false claims, Abittan's claiming ownership at Temujin; Abittan poaching employees;

In addition to the above-listed individuals, Defendants reserve the right to rely upon the testimony of additional witnesses as may be identified in the course of further discovery and investigation, including but not limited to persons disclosed by Plaintiff.

- (ii) **a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

<u>Description by Category</u>	<u>Description by Location</u>
Documents relating to Plaintiff Abittan's interactions with Findora and Temujin employees, consultants, advisors and investors related to the issues raised in the pleadings.	69 Isabella Ave, Atherton, CA 94027

1 Relevant text messages and emails between Lily Chao,	69 Isabella Ave,
2 Damien Ding, and Abittan related to the issues raised in the	Atherton, CA 94027
3 pleadings.	
4	
5 Documents relating to the Findora project and Plaintiff's non-	69 Isabella Ave,
6 involvement with the Findora	Atherton, CA 94027
7	
8 Documents relating to the Temujin business and Plaintiff's	69 Isabella Ave,
9 non-involvement with Temujin.	Atherton, CA 94027
10	
11 Documents relating to ownership of assets and intellectual	69 Isabella Ave,
12 property relating to the Temujin business, not mentioning	Atherton, CA 94027
13 Ariel Abittan	
14	
15 Documents relating to ownership of assets and intellectual	69 Isabella Ave,
16 property relating to the Findora business, not mentioning Ariel	Atherton, CA 94027
17 Abittan	
18	
19 Agreements signed by Plaintiff and Eian Labs	69 Isabella Ave,
20	
21	
22	
23	
24	

19 Investigation is ongoing and Defendants reserve the right to supplement the list of
20 categories discussed above.

- 21 (iii) **a computation of each category of damages claimed by the disclosing party—who
22 must also make available for inspection and copying as under Rule 34 the
23 documents or other evidentiary material, unless privileged or protected from
24 disclosure, on which each computation is based, including materials bearing on the
nature and extent of injuries suffered:**

25 As to the claims asserted by Plaintiff Abittan, Defendants assert that they have no
26 liability and that Abittan is not entitled to any damages or relief, and as a result there is no
27 applicable computation of damages therefor. Defendants reserve the right to recover attorneys'
28

1 fees and costs to the extent permitted by law. Defendants also reserve the right to assert any and
2 all necessary and appropriate claims for relief in this action, and will supplement their
3 disclosures to the extent necessary. Defendants anticipate that their response to any computation
4 of alleged damages by Abittan, and supporting documents and other evidentiary materials, will
5 be made available during the course of discovery, including expert discovery, in this action.

6 (iv) **for inspection and copying under Rule 34, any insurance agreement under which
7 an insurance business may be liable to satisfy all or part of a possible judgment in
8 the action or to indemnify or reimburse for payments made to satisfy the
9 judgment:**

10 Based on current information, Defendants are not aware of any such insurance

11 agreement.

12 Dated: April 19, 2023

SAC ATTORNEYS LLP

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14 By: /s/ James Cai _____
15 James Cai, Esq.
16 Brian A. Barnhorst, Esq.
James P. Giacchetti, Esq.
Attorneys for Defendants